



THE CITY OF NEW YORK  
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November 14, 2024

**BY ECF**

Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: MacNeal v. State of New York, et al.,  
24-CV-6017 (LGS)

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel for the City of New York, and attorney for defendant City in the above-referenced matter. I write jointly on behalf of the City and State defendants regarding the current November 15, 2024 and November 18, 2024 deadlines to answer or respond that appear on the docket. (ECF Dkt Nos. 28, 29 and 32.) Plaintiff has indicated that due to illness, she intends to request the deadline to amend her complaint be extended to November 28, 2024. In an effort to conserve time and resources, the defendants respectfully request the Court to extend the deadline to answer or respond until December 19, 2024. Should Plaintiff file an amended complaint, this will allow the defendants time to review the amended pleadings and draft their motions to dismiss or to answer. In the event Plaintiff fails to file an amended complaint, the defendants would file their anticipated motions to dismiss based off the original Complaint. Plaintiff consents to this application.

The City and State defendants were initially served with the August 19, 2024 Order of Service by mail on or about August 20, 2024. On August 30, 2024, Your Honor scheduled an Initial Conference for October 23, 2024. (ECF Dkt. No. 12.) On October 7, 2024, the defendants responded to the Court's Valentin Order. (ECF. Dkt No, 17.) Thereafter, on October 11, 2024, the defendants wrote jointly to request the Court to adjourn the Initial Conference and submission of a case management plan as both intended to file a motion to dismiss. (ECF. Dkt. No. 20.) On October 15, 2024, the Court granted the defendants' application and ordered defendants to file pre-motion letters by October 23, 2024. (ECF Dkt. No. 21.)

On October 21, 2024, Plaintiff filed a letter requesting an extension of time to file an amended complaint. (ECF Dkt. No. 22.) The City filed its pre-motion letter on October 23, 2024, seeking permission to move to dismiss the Complaint. (ECF No. 23.) The Office of the

Attorney General also filed its pre-motion letter on October 23, 2024, on behalf of the State and the individually named DHR defendants (ECF No. 24). Subsequently, the individual DHR defendants Chelsea John, Gina Martinez, Elena Perlongo, John Herrion, and Candace Tyndall filed waivers of service sent on October 25, 2024, making their answers to the Complaint due November 18, 2024. (ECF Dkt. No. 29.)

Your Honor denied both pre-motion letters as moot based on Plaintiff's stated intention to file an amended complaint and granted Plaintiff until November 7, 2024 to file an amended complaint. (ECF Dkt. Nos. 25, 26). Thereafter, Plaintiff filed a request for an extension of time to file an amended complaint on October 29, 2024, which, the Court granted, and extended Plaintiff's time to file until November 21, 2024. (ECF Dkt. No. 31.)

In light of the foregoing, the defendants respectfully request the Court to extend the deadline to answer or respond until December 12, 2024, and to strike the November 15, 2024 and November 18, 2024 answer deadlines from the docket.

Thank you for your time and consideration of this request.

Respectfully Submitted,

Joseph Zangrilli /s/  
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Cc: **VIA ECF**

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